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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/966,574 | 09/26/2001 | Karen Jeanne Pelletier | 8285/455 | 5697 |

7590 10/21/2004

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/966,574 | PELLETIER ET AL. | |
| | Examiner | Art Unit | |
| | Creighton H Smith | 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 9 august '04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-47 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-34 rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry et al'356.

The McKendry call forwarding system allows the user placing the phone call to be selective in where the user wishes the call to be routed. McKendry's PCM provides the caller with options for routing the call, both to local extensions and to remote extensions, col. 5, lines 15-20. This is the same thing that applicant is doing, except that applicant's routing instructions are limited to immediate family members, such as mother, father, daughter, son, sister, brother, etc. Applicant's specification goes on to disclose at the bottom of page 8 that examples of family members locations include a residence location (home phone number), non-residence locations such as the work phone number and the automobile. And in the 1st ¶ on page 9 applicant further discloses such destination options as a pager, mobile, wireless, cellular, satellite, and PCS device, like McKendry discloses in col. 5, lines 15-20 & col. 4, lines 45-50. Whether applicant's menu of destination options is limited to immediate family members, or whether the destination options is limited to one family members different communication devices as disclosed by McKendry et al is deemed a matter of obvious design choice. All one has to do is place different destination phone numbers that will be forwarded to different family members, and one has re-designed McKendry's call forwarding apparatus. The same reasoning applies if one calls an airline reservation system, and the destination menu gives the caller whether the caller would like to speak

someone concerning: 1) domestic travel reservations; 2) international travel reservations; 3) a question about existing reservations; 4) or possibly a question about reward travel reservations. The possibilities on the destination menu that caller can select from are too numerous to mention. The underlying principle between McKendry's call forwarding, that is selectable by the caller, and applicant's is the calling of a main number and then being presented with a plurality of destination numbers from which the caller can choose from to re-direct the call. It is deemed an obvious matter of design choice to have family members as the designated destination numbers on the call forwarding menu being presented to the caller. One can change those numbers easily and at will for the destination options.

McKendry et al's apparatus discloses a call forwarding system that allows the calling party to forward their phone call to a secondary location, col. 2, lines 45-50, and not the user of the call forwarding service to forward the phone call to the secondary location. McKendry et al does this by employing a personal call manager (PCM) in his network that will provide a menu to the calling party during the 1st phone call. McKendry et al PCM provides a caller with options for routing the call, both to local extensions on the owner's premises and to remote extensions, col. 5, lines 26-21. In col. 8, lines 25-35, McKendry et al disclose that their PCM can either route the call directly, (such as disclosed in the prior art call forwarding) or provide a menu to the caller. In col. 13, lines 35-41, McKendry et al disclose that PCM presents the caller with a menu of call routing options. The menu of call routing options permits the caller to route the call, i.e., selectively call forward the call, to other extensions, e.g., pager, CO

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voice mail, or perhaps another of central office's services. McKendry et al PCM is deemed a server because it serves information to the calling about where the calling party wishes their second call to be forwarded. The PCM (100) is also "in a telephone network" because it is physically connected by copper wires to fax, answering machine, modem. McKendry et al do not disclose that the plurality of destination options that the calling party has to choose from include a family's residence, 1st & 2nd family members other than at the residence. In col. 29, lines 35-40, McKendry et al disclose that the individual owners can configure the PCM to provide call routing based on an individual owner's requirements. Also, in col. 36, lines 15-23, McKendry et al disclose that the menu messages are prerecorded by the user and are customized to the user's preference, thus meaning that the forwarded call go anywhere the user wishes. In col. 37, lines 28-32, McKendry et al disclose that the caller has dialed a single number but is provided access to a variety of telephone instruments that may each have a different telephone number. Therefore, it would have been obvious to one having ordinary skill in the art to have configured McKendry et al PCM to have a menu that will permit the calling party to choose to route the call to PCM owner's family residence, or to other family members not at the family residence. The motivation for this modification is provided in col. 29 supra.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

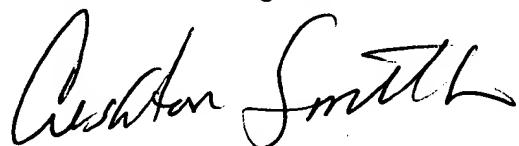
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

13 OCT. '04



Creighton h Smith
Primary Examiner
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